

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JOSEPH KARRIEM, )  
Plaintiff, )  
v. )  
DANNY MOORE, JR., DANNY ) CIVIL ACTION  
MOORE TRUCKING, LLC and ) FILE NO. \_\_\_\_\_  
BERKSHIRE HATHAWAY )  
HOMESTATE INSURANCE )  
COMPANY, )  
Defendants. )

## **NOTICE OF REMOVAL**

COME NOW, Danny Moore, Jr., Danny Moore Trucking, LLC And Berkshire Hathaway Homestate Insurance Company (collectively “Defendants” herein), named Defendants in the above-styled action, and petition this Court for removal of the action herein from the State Court of Fulton County to the United States District Court for the Northern District of Georgia, Atlanta Division, and respectfully show the Court as follows:

1.

Plaintiff filed a civil action in the State Court of Fulton County, which is styled as follows: *Joseph Karriem, Plaintiff, v. Danny Moore, Jr., Danny Moore Trucking, LLC and Berkshire Hathaway Homestate Insurance Company, Defendants, Civil*

Action File No. 23EV003390. (True and correct copies of all process, pleadings and orders received by counsel for Defendants in such action are attached hereto and incorporated herein as Exhibit “A”). Defendants are filing an Answer to Plaintiff’s Complaint for Damages contemporaneously herewith, within the time permitted by Federal Rule of Civil Procedure 81(c).

2.

Plaintiff filed the Complaint with the State Court of Fulton County on June 8, 2023. (*See generally*, Plaintiff’s Complaint for Damages filed on June 8, 2023 (“Complaint” herein), attached hereto as pp. 7-11 of Exhibit “A”).

3.

Defendants Danny Moore, Jr., Danny Moore Trucking, LLC and Berkshire Hathaway Homestate Insurance Company have been served with process as of the date of the filing of this Removal. (*See generally*, Affidavits of Service upon Defendants Danny Moore, Jr., Danny Moore Trucking, LLC and Berkshire Hathaway Homestate Insurance Company, respectively, attached hereto as pp. 1-3 of Exhibit “A”).

4.

The incident that forms the basis of Plaintiff’s Complaint occurred in Fulton County, Georgia. (*See* Complaint, ¶ 7).

5.

Plaintiff is a citizen of the State of Georgia. (*See* Complaint, ¶ 1).

6.

Defendant Danny Moore, Jr. is a citizen of the State of South Carolina and currently resides at 6905 Flat Creek Road, Kershaw, South Carolina 29067. (*See* Complaint, ¶ 2).

7.

Defendant Danny Moore Trucking, LLC is a foreign limited liability company organized and existing under the laws of the State of South Carolina. (True and correct copies of the Articles of Organization and Danny Moore Trucking, LLC's business profile from the South Carolina Secretary of State's online database are attached hereto and made a part hereof as Exhibits "B" and "C", respectively).

8.

According to Defendant Danny Moore Trucking, LLC's Articles of Incorporation on file with the South Carolina Secretary of State's office, Danny Lee Moore, Jr. and Alexis Moore are the sole organizers of Defendant Danny Moore Trucking, LLC. (*See* Exhibit "B".) Danny Lee Moore, Jr. and Alexis Moore are citizens of the State of South Carolina and reside at 6905 Flat Creek Road, Kershaw, South Carolina 29067. (*See* Exhibit "B".)

9.

Defendant Berkshire Hathaway Homestate Insurance Company is a foreign insurance company organized and existing under the laws of the State of Nebraska. (A true and correct copy of the Articles of Incorporation and Certificate of Amendment to Articles of Incorporation filed by Defendant Berkshire Hathaway Homestate Insurance Company (formerly known as Cornhusker Casualty Company) with the Nebraska Secretary of State's office is attached hereto and made a part hereof as Exhibit "D").

10.

Plaintiff's Complaint alleges that Defendant Danny Moore, Jr. operated a tractor-trailer so as to "collide" with Plaintiff's vehicle on January 30, 2022 and that the collision caused Plaintiff to suffer "multiple injuries". (*See* Complaint, ¶¶ 7-9). Specifically, Plaintiff alleges that he has experienced emotional distress, personal inconvenience, mental and physical pain and suffering, loss of enjoyment of life, injuries to his body and nervous system, plus an inability to lead a normal life, due to "the violence of the collision". (*See* Complaint, ¶ 18).

11.

Plaintiff seeks to recover general damages to compensate Plaintiff for past, present and future mental, physical and emotional pain and suffering, special damages for past and future medical expenses and past and future lost income, and

costs of litigation from Defendants in an amount to be proven at trial. (*See* Complaint, Plaintiff's Prayer for Relief appearing immediately after ¶ 23).

12.

Plaintiff's Complaint does not specify the amount of damages he is seeking in this action. (*See generally*, Complaint).

13.

On July 31, 2023 (and again on August 15, 2023), Plaintiff served an Offer of Settlement upon Defendants seeking \$1,000,000.00 to settle Plaintiff's claims. (*See*, Exhibits "E" and "F", Plaintiff's Offers of Settlement dated July 31, 2023 and August 15, 2023, respectively).

14.

Based on the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because (i) complete diversity exists between the named parties to this action, and (ii) the amount in controversy, according to Plaintiff's July 31, 2023 and August 15, 2023 Offers of Settlement, exceeds \$75,000.00. (*See* Exhibits "E" and "F").

15.

Because Plaintiff's Complaint did not identify the amount in controversy, this Notice of Removal is timely as it was filed within thirty days after receipt by

Defendants of “other paper from which it may first be ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1446(b)(3).

16.

By service of a copy of this Notice of Removal, as evidenced by the Certificate of Service attached hereto, Defendants hereby give notice of such removal to Plaintiff as required by 28 U.S.C. § 1446.

17.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Fulton County, Georgia as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants pray that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division, that this Court take cognizance and jurisdiction over this claim from the State Court of Fulton County, Georgia, and that this action proceed as removed and under this Court’s jurisdiction pursuant to 28 U.S.C. § 1332.

The undersigned have read this Notice of Removal and, to the best of their knowledge, information, and belief, formed after reasonable inquiry, have determined it is well-grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Respectfully submitted, this 18th day of August, 2023.

**CHARTWELL LAW**

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*/s/Lara Ortega Clark*  
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Homestate Insurance Company*

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1.B**

Counsel for the Defendant hereby certifies that this pleading was prepared in Times New Roman, 14 Point, in compliance with Local Rule 5.1.B.

This 18th day of August, 2023.

**CHARTWELL LAW**

*/s/Lara Ortega Clark*  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the *Notice of Removal* with the Clerk of Courting using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Steven M. Fair, Esq.  
**MORGAN & MORGAN ATLANTA, PLLC**  
191 Peachtree Street NE, Suite 4200  
P. O. Box 57007  
Atlanta, GA 30343-1007  
[sfair@forthepeople.com](mailto:sfair@forthepeople.com)

This 18th day of August, 2023.

*Signature on Following Page*

**CHARTWELL LAW**

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